

### REMARKS/ARGUMENTS

Claims 1-4, 11- 26, 28, 29, 33, 34, 38, 39, 42 and 43 are pending in the present application, of which claims 1, 4, 13, 17, 19, 23, 25, 26, 42 and 43 are the independent claims. Applicants believe that the present application is in condition for allowance, for which prompt and favorable action is respectfully requested.

#### *Claim Rejections – 35 USC § 102*

Claims 1-4, 13-15, 17, 19-21, 23 and 25-43 were rejected under 35 U.S.C. 102(b) as being anticipated by Tiedemann (U.S. 6,396,867). Reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 1, 13, 19, 25 and 42 each include the feature of receiving the forward link power control instruction on a forward link common channel. A forward link common channel is understood to refer to a forward link channel that is shared among different users (mobile stations), and thus is common to the different users. See, e.g., paragraph [1033] of the specification.

Tiedemann is not seen to teach or suggest at least the feature of receiving a forward link power control instruction on a forward link common channel. The final Office Action directed Applicants' attention to col. 8, lines 46-63 and col. 9, lines 11-17 as allegedly disclosing a forward link common channel. See, page 2 of final Office Action of December 11, 2008. Cited passage col. 8, lines 45-63 discloses encoding data using a CRC encoder and cited passage col. 9, lines 11-17 discloses puncturing power control bits into a data stream. However, the cited passages do not teach or suggest a forward link common channel, i.e., a forward link channel that is common to different users. Therefore, Tiedemann is not seen to teach or suggest at least the feature of receiving a forward link power control instruction on a forward link common channel, as recited in claims 1, 13, 19, 25 and 42.

Accordingly, claims 1, 13, 19, 25 and 42 are believed to be allowable over the applied references for at least the reasons given above. Claims 2, 3, 12, 14-16, 20-22, 33 and 38 depend from claims 1, 13, or 19, and are therefore believed to also be allowable for at least the same reasons given above. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

Independent claims 4, 17, 23, 26 and 43 each include the feature of transmitting the forward link power control instruction on a forward link common channel.

Tiedemann is not seen to teach or suggest at least the feature of transmitting the forward link power control instruction on a forward link common channel. Tiedemann does not teach or suggest this feature for similar reasons given above for 1, 13, 19, 25 and 42.

Accordingly, claims 4, 17, 23, 26 and 43 are believed to be allowable for at least the reasons given above. Claims 11, 18, 24, 29, 34 and 39 depend from claims 4, 17, 23, 26 or 43, and are therefore believed to also be allowable for at least the same reasons given above. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

***Claim Rejections – 35 USC § 103***

Claims 11, 12, 16, 18, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann in view of Sawahashi (U.S. 5,590,409).

Claims 11, 12 and 16 depend from claim 1, and are therefore believed to be allowable for at least the same reasons given for claim 1. Like Teidemann, Sawahashi does not teach or suggest at least the feature of receiving a forward link power control instruction on a forward link common channel recited in claim 1.

Claims 18, 22 and 24 depend from claims 17 and 23, respectively, and are therefore believed to be allowable for at least the same reasons given for claims 17 and 23. Like Teidemann, Sawahashi does not teach or suggest at least the feature of transmitting the forward link power control instruction on a forward link common channel recited in claims 17 and 23.

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**CONCLUSION**

In view of the foregoing amendment and remarks, all of the claims under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

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Respectfully submitted,

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